

# ***City Council Special Meeting Minutes***

**April 17, 2020  
2:30 PM**

## **Electronic Meeting**

**Call to Order** – Mayor Stolzmann called the meeting to order at 2:30 p.m. Roll call was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Jeff Lipton***

**Staff Present:**    ***Heather Balser, City Manager  
Megan Davis, Deputy City Manager  
Kevin Watson, Finance Director  
Rob Zuccaro, Planning & Building Safety Director  
Megan Pierce, Economic Vitality Director  
Penny Bolte, Sales Tax Administrator  
Meredyth Muth, City Clerk***

**Others Present:**   ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

## **RESOLUTION NO. 31, SERIES 2020 – A RESOLUTION APPROVING AN EMERGENCY SOLUTIONS GRANT PROGRAM**

Mayor Stolzmann introduced the item. Director Pierce reviewed how the program reached this stage and how the application has been created. She stated changes to the application were made for ease of processing and clarity. Businesses would be required to meet the eligibility factors laid out in the application. If the applicant can show eligibility, staff can move to evaluating the application. All eligible applications will be divided by

filing status (monthly, quarterly, and annually). This places a higher value on those who are sales and use tax generators and those heavily impacted by the closures. If we receive more applications than we have funding for which is likely, the date of opening will be used giving those in business longer a higher ranking.

Mayor Stolzmann noted public comments had been received electronically and were distributed to the Council and added to the public record.

Public Comments - None.

Councilmember Dickinson noted the Economic Vitality Committee has been working on this. He stated there is a limited amount of money for this program so the Committee's goal has been to give a large enough amount that it matters while reaching as many businesses as possible. He noted it is \$350,000 for the program and grants will be \$5000. They hope the application is simple with clear and objective criteria. There were tough choices and they know not all businesses will qualify for this funding.

Councilmember Dickinson moved to approved Resolution No.31; Mayor Pro Tem Maloney seconded the motion.

Mayor Pro Tem Maloney proposed an amendment to the evaluation criteria; that language was shared. The language prioritizes grants by the relative sales tax generation first and then how long each business has been open and operating within the City. He offered this as a friendly amendment to the motion as he feels these changes add clarity showing how the decisions will be made; but it doesn't change the intent of the program.

Councilmember Lipton agreed it is not clear from the initial application that we are prioritizing sales tax generators and this should be added.

Councilmember Dickinson stated with this language we are saying we want to use the money for those businesses hurt that in turn are affecting the City's ability to provide services through taxes. He wanted to make sure that is the rationale everyone is using.

Councilmember Fahey agreed sales tax generators are the highest priority as they have the greatest impact on the City.

Mayor Pro Tem Maloney noted even most of the service industries produce some sales tax. He added the goal is to get the money out into the community and the more clear the application is the easier decision-making will be.

Councilmember Dickinson accepted the friendly amendment to the motion as did seconder Mayor Pro Tem Maloney.

Public Comments

Keaton Howe, 845 Trail Ridge Drive, asked if by prioritizing the sales tax generators will this benefit the larger companies and if that is the case is that the goal of this program?

Rick Kron, President Downtown Business Association, urged approval of the program. He feels the sales tax prioritization is fine.

Mark Oberholzer, owner of Tilt Pinball and on the BRaD Committee, stated he worries large businesses who have had little impact will get money over small businesses who have suffered the greatest impact.

Mayor Stolzmann addressed Mr. Howe's comment noting the program is only for businesses with fewer than 25 full-time equivalent employees and the applicants won't be ranked from highest sales tax generating to least. She added that applicants have to testify that they have been injured by the pandemic as well.

Councilmember Leh stated he is disappointed the application doesn't require more information on economic injury. He made a friendly amendment to change the word revenue to profit in the financial injury section of the application.

Councilmember Dickinson and Mayor Pro Tem Maloney did not accept the amendment.

Councilmember Leh made another friendly amendment that the financial injury section include an actual percentage. He suggested 30-40%. Mayor Pro Tem Maloney did not accept the friendly amendment.

Councilmember Leh was concerned it is not clear how the sales tax information will be used in the process. He doesn't agree with the idea of prioritizing sales-tax generating businesses. He also suggested removing any sections where the information is not needed for the decision-making process.

Councilmember Leh suggested some friendly amendments related to the application wanting to make sure those with the greatest financial injury are prioritized. They were not accepted by the motioner.

Councilmember Brown stated the purpose of this program is to get the money to businesses quickly and the Council should move forward with this as expeditiously as possible. Councilmember Lipton agreed, adding there are few if any businesses in town that have not suffered financial injury in this crisis.

Mayor Pro Tem Maloney stated he supports the application as written. Councilmember Fahey agreed. Mayor Stolzmann added her support noting this application is already specific enough to really be addressing those businesses hardest hit by the stay-at-home order.

Mayor Stolzmann reviewed the motion on the table noting it does include adding the language Mayor Pro Tem Maloney suggested tonight.

Councilmember Leh asked for clarification on how the Urban Renewal Funds will be allocated. Director Pierce stated all applications will be reviewed for eligibility and for all those in the Urban Renewal Area we will apply the LRC funds first rather than using the General Fund money for them.

Director Pierce noted that once the eligible applications are divided by filing status, if there is a need to further rank them then the opening date will be used with older businesses ranked higher. Councilmember Leh would like that explained more clearly in the application.

Councilmember Leh suggested some language changes in application; motioner and seconder accepted the changes.

Councilmember Lipton asked how much of this application will be subject to open records laws. City Attorney Kelly stated by and large the application materials are subject to open records laws. That is noted on the application so applicants should be aware of this when they apply. If there is anything that can be kept confidential under Colorado law staff will use reasonable efforts to maintain confidentiality if there is a request for that information.

Mayor Stolzmann summarized the motion noting the changes that were made tonight were captured by staff in the application.

Councilmember Leh was concerned that some applicants may not apply if they think information will be made public. Mayor Stolzmann stated most of this information is available through other sources already and we have removed most anything business owners told us was of concern to them.

Councilmember Dickinson proposed a substitute motion to include a section in the application that asks applicants to explain how the business has been damaged by the emergency. Motion died for lack of a second.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**RESOLUTION NO. 32, SERIES 2020 – A RESOLUTION APPROVING A  
COOPERATION AGREEMENT WITH THE LOUISVILLE REVITALIZATION  
COMMISSION TO PROVIDE EMERGENCY SOLUTIONS GRANT PROGRAM  
FUNDING**

Director Pierce stated this is an agreement with the Revitalization Commission (LRC) to have the LRC provide an additional \$100,000 in funding to the grant program. It will be used for businesses within the Urban Renewal Area.

## Public Comments

Rick Kron, President of the Downtown Business Association, urged passage of this resolution.

Councilmember Lipton moved to approve Resolution No. 32, Councilmember Dickinson seconded the motion.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

Councilmember Lipton moved to have the April 21 meeting start at 6 pm. Mayor Pro Tem Maloney seconded the motion. All in favor.

Councilmember Lipton suggested the electronic regular meetings for the foreseeable future begin at 6 pm. Mayor Pro Tem Maloney seconded the motion. All in favor.

Mayor Stolzmann moved to schedule a Special Meeting on April 28 at 6pm to discuss reopening procedures. Mayor Pro Tem Maloney seconded. All in favor

## **ADJOURN**

Members adjourned at 4:10 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk